

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**VERNITA M. McDONALD**

**PLAINTIFF**

v.

**CIVIL ACTION NO. 3:19-cv-279-JMV**

**ANDREW M. SAUL, COMMISSIONER  
OF THE SOCIAL SECURITY ADMINISTRATION**

**DEFENDANT**

**ORDER GRANTING UNOPPOSED MOTION TO REVERSE AND REMAND**

THIS CAUSE having come on for hearing on the Defendant's Motion to Reverse and Remand [ECF No. 15] and this Court, having considered the same and being fully advised in the premises, and noting that Plaintiff Vernita McDonald has no objection, is of the opinion that said Motion for Remand is well taken and should be, and the same is, hereby granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendant's Motion to Reverse and Remand is GRANTED, and the unfavorable decision denying Plaintiff's claim for Title II Disability Insurance Benefits is REVERSED and REMANDED for further action by the Commissioner of the Social Security Administration pursuant to the fourth sentence of 42 U.S.C. § 405(g) and *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

IT IS, FURTHER, ORDERED that on remand an Administrative Law Judge shall consider the borderline age situation as defined in 20 C.F.R. § 404.1563(b) and decide whether the higher age classification should be applied in this case.

SO ORDERED this the 31<sup>st</sup> day of March, 2020.

/s/ Jane M. Virden  
UNITED STATES MAGISTRATE JUDGE

PREPARED BY AND AGREED TO:

/s/ J. Luke Benedict

J. Luke Benedict - MS BAR #102992  
Assistant United States Attorney  
Northern District of Mississippi  
Ethridge Professional Building  
900 Jefferson Avenue  
Oxford, MS 38655-3608  
Telephone: (662) 234-3351  
E-Mail: [luke.benedict@usdoj.gov](mailto:luke.benedict@usdoj.gov)

*Attorney for Andrew Saul, Commissioner of the  
Social Security Administration*

AGREED TO:

/s/ Leanna Reynolds (with permission)

Leanna Reynolds – MS BAR #104947  
Thomas U. Reynolds Law Firm  
P.O. Drawer 280  
Charleston, MS 38921  
Telephone: (662) 647-3203  
E-Mail: [reynoldsleanna@gmail.com](mailto:reynoldsleanna@gmail.com)

*Attorney for Plaintiff Vernita McDonald*